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January 10, 2003

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W., Room TW-A325
Washington, DC 20554

Re: Motion to Accept as Timely Filed Opposition Comments to Verizon's 271
Application of Xspedius Management Co., LLC

Dear Ms. Dortch :

Enclosed for filing with the Federal Communications Commission, please find attached the Motion to Accept as Timely Filed its Opposition Comments and exhibits to Verizon's 271 Application in Maryland, Washington, D.C., and West Virginia of Xspedius Management Co., LLC. Please do not hesitate to contact me at (202) 887-1284 should you have any questions concerning this matter.

Respectfully Submitted,



Heather T. Hendrickson

cc: Service List

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
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)

Application by Verizon Maryland, Inc.,)
Verizon Washington, D.C., Inc., Verizon)
West Virginia, Inc., Bell Atlantic)
Communications, Inc. (d/b/a Verizon Long)
Distance), NYNEX Long Distance Company)
(d/b/a Verizon Enterprise Solutions), Verizon)
Global Networks, Inc., and Verizon Select)
Services, Inc. for Authorization to Provide)
In-Region, InterLATA Services in Maryland,)
Washington, D.C. and West Virginia)

WC Docket No. 02-384

To: The Commission

**MOTION TO ACCEPT AS TIMELY FILED OPPOSITION COMMENTS
AND EXHIBITS TO VERIZON'S 271 APPLICATION OF
XSPEDIUS MANAGEMENT CO., LLC**

Pursuant to section 1.46 of the Commission's Rules,¹ Xspedius Management Co., LLC ("Xspedius") hereby respectfully requests that the Federal Communications Commission ("Commission") grant this Motion to Accept as Timely Filed their Opposition Comments to Verizon's 271 Application for Maryland, Washington, D.C., and West Virginia of Xspedius Management Co., LLC.

On January 9, 2003, counsel for Xspedius experienced technical difficulty accessing the Commission's Electronic Comment Filing System ("ECFS"). Specifically, counsel was unable to access the ECFS site throughout the evening. Due to the inability to file Xspedius'

¹ 47 C.F.R. Sec. 1.46.

Opposition Comments and exhibits electronically on the evening of January 9, 2003, counsel for Xspedius emailed Xspedius' Opposition Comments and exhibits to appropriate Wireline Competition Bureau staff, staff from the Department of Justice, as well as the Maryland, Washington, D.C. and West Virginia public service commissions identified in the Commission's Public Notice.

By taking these actions, Xspedius believes they have taken reasonable steps to ensure no parties were harmed by the inability to electronically file its Opposition Comments and exhibits with the Commission on January 9, 2003. Counsel for Xspedius was successful in filing Xspedius' Opposition Comments and exhibits early in the morning of January 10, 2003. As no prejudice has occurred to any of the parties involved, Xspedius hereby respectfully requests that the Commission grant this Motion to Accept as Timely Filed Xspedius' Opposition Comments and exhibits to Verizon's 271 Application for Maryland, Washington, D.C. and West Virginia.

Xspedius is cognizant that the Commission does not routinely grant motions for the extension of time.² However, the Commission may grant motions for acceptance of comments and reply comments made after the filing date for good cause.³ The technical difficulties experienced in trying to access and utilize the Commission's ECFS system were unpredictable and out of the control of Xspedius. Xspedius took reasonable measures to ensure its Opposition Comments and exhibits were received by necessary parties, thereby avoiding any prejudice of the involved parties. Furthermore, Xspedius respectfully submits that it is in the public interest to compile a complete record, and that acceptance of Xspedius' Opposition Comments and exhibits are an essential part of this task.

² 47 C.F.R. § 1.46(a).

³ 47 C.F.R. § 1.46(b).

WHEREFORE, in the interest of building a complete record in this proceeding, and in recognition that no party to this proceeding would be prejudiced, Xspedius respectfully requests that this Motion be granted. Pursuant to Sections 1.727(c) and 1.734(d) of the Commission's Rules, a proposed order for adoption is attached.

Respectfully submitted,



Michael B. Hazzard

Heather T. Hendrickson

Kelley Drye & Warren LLP

1200 19th Street, NW, Suite 500

Washington, DC 20036

(202) 955-9600

Counsel for Xspedius Management Co., LLC

Dated January 10, 2003

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
)

Application by Verizon Maryland, Inc.,)
Verizon Washington, D.C., Inc., Verizon)
West Virginia, Inc., Bell Atlantic)
Communications, Inc. (d/b/a Verizon Long)
Distance), NYNEX Long Distance Company)
(d/b/a Verizon Enterprise Solutions), Verizon)
Global Networks, Inc., and Verizon Select)
Services, Inc. for Authorization to Provide)
In-Region, InterLATA Services in Maryland,)
Washington, D.C. and West Virginia)
_____)

WC Docket No. 02-384

PROPOSED ORDER

Upon consideration of the Motion to Accept as Timely Filed its Opposition Comments and exhibits to the Verizon 271 Application for Maryland, Washington, D.C. and West Virginia of Xspedius Management Co., LLC ("Xspedius") in the above captioned matter, and in response thereto, the Commission hereby finds and orders as follows:

Xspedius' Motion To Accept As Timely Filed Opposition Comments And Exhibits To Verizon's 271 Application should be granted because Xspedius represents the views of a significant entity of the industry potentially affected by this proceeding, and exclusion of Xspedius would cause the record to be incomplete. It is in the public interest to compile a complete record.

Accordingly, IT IS ORDERED that the Motion to Accept as Timely Filed Xspedius' Opposition Comments and exhibits in the above-captioned matter is hereby GRANTED.

FEDERAL COMMUNICATIONS COMMISSION

CERTIFICATE OF SERVICE

I, Heather T. Hendrickson, hereby certify that, on this 10th day of January 2003, a copy of the foregoing ***Motion to Accept as Timely Filed Xspedius' Opposition Comments and exhibits to Verizon's 271 Application in Maryland, Washington, D.C. and West Virginia*** was sent by electronic mail to the following individuals:

Marlene H. Dortch, Secretary Federal Communications Commission 445 12 th Street, SW Washington, DC 20554
James Myles Wireline Competition Bureau Federal Communications Commission 445 12 th Street, SW Washington, DC 20554
Gail Cohen Wireline Competition Bureau Federal Communications Commission 445 12 th Street, SW Washington, DC 20554
Gary Remondi Wireline Competition Bureau Federal Communications Commission 445 12 th Street, SW Washington, DC 20554
Qualex International 445 12th Street, SW, Room CY-B402 Washington, DC, 20554



Heather T. Hendrickson